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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

David Allen Harbour,

Defendant.

Case No. 2:19-cr-00898-DLR (DMF)

**DEFENDANT'S SUPPLEMENT TO
REQUEST TO DETERMINE THE
FURTHER ADMISSABILITY OF
MANNING'S TESTIMONY**

Defendant David A. Harbour ("Harbour"), by and through undersigned counsel, submits this brief supplement to its Request for the Court to Determine the Further Admissibility of Dr. Robert Manning's Testimony.

BACKGROUND

The Defense submits ¶14 of the SSI as further support for the admissibility of Dr. Manning's testimony about Operation Chokepoint. T

This is what the government stated:

14. The investors were also not told that HARBOUR had an arrangement with J.T. to receive upwards of a 25% finder's fee based upon the amount of investors' funds he raised and provided to KSQ. When HARBOUR was unable to provide interest payments to investors, he told

1 the investors that J.T was to blame. When investors lost their money,
 2 HARBOUR claimed . . . "the change in laws by the President and
 3 Operation Chokepoint changed the Automated Clearing House (ACH) laws
 4 regarding payday lending." At this point, Defendant HARBOUR had
 5 continued to receive his 25% finder's fee from KSQ while blaming KSQ
 6 and J.T. for the lack of investment payments. Most, if not all, of the
 promissory notes signed by the victim-investors and Defendant HARBOUR
 were made between the investor and one of HARBOUR's entities, such as
 NorthRock or Canyon Road.

7
 8 J.T. is a reference to Joel Tucker. The direct quote is to David Harbour. The party
 9 making the admission is the United States.

10 CONCLUSION

11
 12 We again respectfully ask this Court to not strike Dr. Manning's testimony even
 13 though Harbour himself will not be testifying. The government not only supplied all of
 14 the link needed, it did so by directly quoting David Harbour.

15
 16 Enough evidence exists of Operation Chokepoint where Dr. Manning is helpful to
 17 the trier of fact in evaluating the evidence, and the jury could conclude, or not conclude,
 18 that Harbour was impacted by Operation Chokepoint based on the facts in evidence.

19 RESPECTFULLY SUBMITTED this 28th day of February 2023.

20 CHRISTIAN DICHTER & SLUGA, P.C.

21
 22 By: /s/ Stephen M. Dichter

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2023 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and for transmittal of Notice of Electronic Filing to the following CM/ECF registrants:

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